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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/091,788	09/08/98	ONO	K 822-004

PM82/1014	EXAMINER
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ART UNIT	PAPER NUMBER
3611	10

DATE MAILED: 10/14/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>09/091,788</b>	Applicant <b>Kenji Ono</b>
	Examiner <b>Rashmi Sharma</b>	Group Art Unit <b>3611</b>

Responsive to communication(s) filed on Sep 8, 1998

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-12 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-12 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on Sep 8, 1998 is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "10" and "34" have both been used to designate the self propelled vehicle. Correction is required.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "33" has been used to designate both the support bar and the front frames (Fig. 6). Correction is required.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 22. Correction is required.
4. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### *Specification*

5. The disclosure is objected to because of the following informalities: page 6 line 5 the term "10m" should be "10"; page 7 line 15 "Claim 4 is" should read "Claim 4"; page 8 line 18

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should read "comprising"; page 8 line 19 should eliminate "and 24"; page 9 line 3-4, line 5 and line 10 should eliminate "and 24"; page 10 line 2 should eliminate ",29"; page 11 line 2 and line 3 should eliminate "and 29"; page 11 line 6 should read "comprising"; page 11 line 18 should read "and off"; page 17 line 11 should eliminate "and 16"; page 18 line 5 should eliminate "and 16"; page 18 line 12 should read "Fig. 2,"; page 19 line 4 should eliminate "and 24"; page 19 line 8-9 should eliminate "and 24"; page 19 line 12 should eliminate "and 23"; page 19 line 15 should read "levers 22a and 22b respectively"; page 20 lines 9 and 12 should eliminate "and 24"; page 20 lines 10 and 14 should eliminate "and 27"; page 20 line 21 should eliminate "and 16"; page 21 line 14 should read "human"; page 26 line 8 should eliminate "and 29"; page 27 line 5 should read "self-propelled vehicle 10"; page 27 lines 7 and 18 should read "10" rather than "34"; page 28 line 20 should eliminate "and 29"; page 29 line 2 should eliminate "and 29"; page 30 lines 1, 4 and 6 should eliminate "or 34"; page 36 line 4 should read "an outdoor"; and page 36 line 8 should read "may be carried".

Appropriate corrections are required

#### ***Claim Objections***

6. Claims 1-12 are objected to because of the following informalities: page 37 line 3 should read "cargoes and a passenger"; page 39 line 2 should read "while confronting or not confronting the"; and page 39 line 10 should read "human". Appropriate correction is required.

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***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1-12 rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

It is not explained as to how the apparatus is made. Please clarify the following: page 7 line 1-2 and page 17 lines 19-21, the front wheel portion 37 is made removable with respect to the truck portion 39; page 7 lines 11-12, attaching it to another conveying means such as a wheeled chair; page 8 lines 13-17, how can the direction to operate the bar handle 21 as the steering portion 12 be easily changes?; page 9 line 1-2, how can the front wheel suspending portion 38 be turned to rise and fall longitudinally?; page 9 lines 19-20, how can the direction to operate the bar handle 21 be easily changed?; page 10 lines 13-14, how can the seat be reversed to convey the person in a position to look backwards?; page 11 line 6-10, how can the seat be

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properly fixed at a desired angular position so that it can convey the person other than the operator for the backward run?; page 13 line 13, what is the capacity of the power supply?; page 14 lines 8-10, how can the direction to drive the front wheel be changed?; page 20 lines 15-17, how can the hinged portions be fixed at a desired angle by the single action using the suitable means?; page 23 lines 5-10, how does the bar handle "fall down" toward the rear end portion of the self propelled vehicle and how is it fixed at a proper angle so that the operator may be able to operate the bar handle in the seated position on the seat?; and page 27 lines 11-17, how can the supporting bar be removed for the backward run?

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. Claims 1-12 are replete with antecedent basis errors. The following are a few examples: page 37 line 5, "the backward run"; page 37 line 8 "A self-propelled vehicle"; page 37 line 12 "the front end portion"; and page 37 line 14 "A self-propelled vehicle".

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***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being unpatentable by Brown (U.S. patent number 5,010,973).

Brown discloses a self-propelled vehicle with a driving portion (12) and a steering portion (34), able to run forward and backwards as recited in claim 1. Brown also discloses a front wheel portion and a truck portion (10) where the driving portion and the steering portion are disposed at the front wheel portion as recited in claim 2. Brown also discloses a steering portion (34) equipped with a bar handle (33) as recited in claim 4.

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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15. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (U.S. patent number 5,010,973).

Brown does not disclose a supporting bar made removable for supporting the operator when in a standing position from behind. It would have been obvious to provide the vehicle of Brown with a support bar since, it is within the purview of one of ordinary skill in the art to provide a means for stabilizing an operator when in the standing position.

16. Claim 3, 6, 7, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown as applied to claims 1, 2 and 4 above, and further in view of Coker (U.S. patent number 5,125,468).

Coker discloses a front wheel portion that is made to be removable with respect to the truck portion (10) as in claim 3. Coker also discloses a bar handle including a handle stem (73), arranged at the upper end of a front wheel suspending portion (25) to be turned to rise and fall, a handle bar (312) fixed to the end of portions of the handle stem (73) as in claim 6. Coker teaches of a seat (23) with arm rests (15a and 16a) to seat an operator as in claim 7. Coker also teaches of a self-propelled vehicle maintaining a speed equal to that of walking speed as in claim 10. Coker discloses an electric motor (30) as well as a power supply (12) as in claim 11.

It would have been obvious to one of ordinary skill in the art to use the qualities of Coker combined with the vehicle in Brown for the improving the comfort of the operator when seated.

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17. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown as applied to claim 1, 2 and 4 above, and further in view of Cassano (U.S. patent number 5,346,028).

Cassano discloses a self propelled vehicle where the bar handle (4) is reversely turned toward the front wheel as in claim 5. Cassano also discloses one front wheel and two rear wheels. Cassano does not disclose a driving portion driving the front wheel. Since the provision of placing the electric motor to drive the front wheel is within the purview of one of ordinary skill in the art for the purpose of driving the self propelled vehicle. It would have been obvious to one of ordinary skill in the art to combine the features of Brown and Cassano in a self propelled vehicle.

18. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown as applied to claim 1, 2, and 4 above, and further in view of Benson et al. (U.S. patent number 2,842,374).

Benson et al. discloses a seat (48) to turn 360 degrees and to fix the seat at a desired position.

It would have been obvious to one of ordinary skill in the art to modify the vehicle of Brown including a swivel seat fixed at a desired position as taught by Benson in order to permit a more interesting and desired view of the rider and/or operator.

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*Conclusion*

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashmi Sharma whose telephone number is 703-306-5952. The examiner can be reached Monday through Friday 8:30 a.m. to 5:00 p.m.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4177.

*Michael Mar*  
MICHAEL MAR 10-12-99  
PATENT EXAMINER